

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AYODELE OKE,)	
)	
Plaintiff,)	
)	Civil Action No. 1:22-cv-159
v.)	
)	
PERRIN, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff Ayodele Oke, a former inmate at the State Correctional Institution at Forest (“SCI-Forest”), filed this *pro se* lawsuit against fourteen employees of the Pennsylvania Department of Corrections whom Plaintiff claims violated his federal civil rights. *See* ECF No. 5. The matter has been referred to United States Magistrate Judge Richard A. Lanzillo for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and the Local Rules for Magistrate Judges.

On June 22, 2022, Judge Lanzillo ordered Plaintiff to provide the Court with proper instructions for service upon each of the fourteen (14) Defendants named in the complaint. Specifically, Plaintiff was to provide, for each Defendant, a U.S. Marshal Form 285, a completed notice and waiver of summons, and one complete copy of the 104-page complaint. The requisite service packets were to be provided on or before July 22, 2022. ECF No. 4. Upon motion by Plaintiff, this deadline was subsequently extended to September 22, 2022. ECF Nos. 6, 7.

As of October 6, 2022, Plaintiff had not fully complied with the Court’s directive, as he apparently had not provided the requisite copies of his pleading. Accordingly, Judge Lanzillo entered an order directing Plaintiff to show cause on or before October 21, 2022, for his failure

to take the necessary steps to serve his complaint. Alternatively, Plaintiff was to supply the necessary service copies on or before that same date. Plaintiff was expressly advised that his failure to respond might result in a recommendation that this action be dismissed for failure to prosecute. ECF No. 8. Despite this admonishment, Plaintiff failed to comply with the Court's directive.

On October 24, 2022, Judge Lanzillo held a status conference in a separate civil action filed by Plaintiff at Case No. 1:21-cv-261. During that status conference, Plaintiff requested a 30-day extension of time within which to provide copies of the Complaint in this civil action. Judge Lanzillo granted Plaintiff's oral motion and established November 25, 2022 as the new date by which Plaintiff was to provide all necessary service copies of the complaint. ECF No. 9. Once again Plaintiff failed to comply with the Court's deadline.

Accordingly, on January 13, 2023, Judge Lanzillo issued a report and recommendation ("R&R") opining that the within civil action should be dismissed based on Plaintiff's failure to prosecute his case. ECF No. 10. After reviewing the procedural history of the case and Plaintiff's various defaults, Judge Lanzillo weighed the factors outlined in *Poulis v. State Farm Fire Casualty Company*, 747 f.2d863 3d Cir. 1984). He determined that five of the six *Poulis* factors supported a dismissal of this case. Thus, Judge Lanzillo recommended dismissal as an appropriate sanction.


Objections to the Report and Recommendation were due on or before January 30, 2023. To date, no objections have been received.

Accordingly, after *de novo* review of the Complaint, the relevant procedural history, and the Magistrate Judge's Report and Recommendation, the following Order is entered:

NOW, this 1st day of February, 2023,

IT IS ORDERED that the within civil action shall be, and hereby is, DISMISSED based on Plaintiff's failure to prosecute his case.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lanzillo, dated January 13, 2023, ECF No. [10], is adopted as the opinion of this Court.


SUSAN PARADISE BAXTER
United States District Judge